

1:05CV00540

y.

Defendant(s).

Plaintiff seeks to proceed in this action in forma pauperis. In reliance upon the representations set forth in the request, the Court finds that plaintiff had deposits of \$20.00 in his inmate account in the last six months and it is, therefore, determined that he must make an initial partial payment of the fees in this matter.

IT IS THEREFORE ORDERED that the plaintiff in the above-named action be, and is hereby, permitted to file and prosecute said action in this Court without prepayment of fees or giving security therefor, subject to the conditions set forth below.

IT IS FURTHER ORDERED that, as a condition of plaintiff's proceeding in forma pauperis, plaintiff shall, within sixty (60) days after the date of this Order, submit to the Clerk an initial payment of \$0.67 (which represents 20% of the greater of the average monthly deposits into or the balance in plaintiff's account for the 6-month period immediately preceding filing of this complaint), and at the same time sign and return the "Consent to Collection of Fees From Trust Account" form, which the Clerk is sending with this order.

IT IS FURTHER ORDERED that, as a condition of plaintiff's proceeding in forma pauperis, plaintiff's trust officer shall be directed to pay to the Clerk of this Court 20% of all

deposits to his account starting with the month of August 2005, and thereafter until the \$250.00 filing fee has been paid.

IT IS FURTHER ORDERED that this action be filed, but that further proceedings and service of summons be stayed until plaintiff has either (1) submitted to the Court the sum(s) noted above along with the "Consent to Collection" form, or (2) in the alternative has submitted the "Consent to Collection" form along with a motion for relief from the stay, and a statement made under penalty of perjury that he has not had access to any funds for payment of the sum(s) noted above for the 60-day period.

**FAILURE TO COMPLY WITH THIS ORDER IN A TIMELY MANNER
WILL RESULT IN DISMISSAL OF THIS ACTION WITHOUT FURTHER NOTICE
TO PLAINTIFF.**

June 15, 2005


United States Magistrate Judge